



Atty. Docket: 020569

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:

Takashi YAMAOKA et al.

Serial Number: 10/044,961

Group Art Unit: 2871

Filed: January 15, 2002

Examiner: DUONG, THOI

For: LAMINATED OPTICAL DEVICE AND LIQUID-CRYSTAL DISPLAY APPARATUS

DECLARATION UNDER 37 CFR 1.131

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Takashi YAMAOKA, Hiroyuki YOSHIMI, Yuuichi NISHIKOUJI and Tomoaki MASUDA all citizens of Japan, hereby declare and state:

1. Credentials

We are the named inventors in the above identified application.

2. Purpose of this Declaration

A purpose of this Declaration is to show that the invention claimed in the present application was made before January 14, 2002, which is the filing date of United States Patent Application Publication US 2002/0140882 A1 (**Kitagawa et al.**), so that **Kitagawa et al.** is not prior art under 35 U.S.C. 102(e) in the present application.

3. Showing of Facts

The showing of facts made in the present Declaration is based on prior Japanese application No. 2000-157713 (**JP'713**), which was filed in the Japanese Patent Office on May 29, 2000 in the name of the inventors in the present application. A certified copy of **JP'713** and a

verified English translation (the **JP'713** translation) are attached to this Declaration. Priority of **JP'713** is not claimed under the Paris Convention in the present application because the present application was filed on January 15, 2002 which is more than one year after the filing date of **JP'713**.

The undersigned declare that they are the named inventors in the present application, and that they are familiar with the invention, **JP'713** and the present application.

Further, the undersigned declare that the invention claimed in the present application was made by the inventors before January 14, 2002. In support of this declaration, a copy of **JP'713** accompanied with a verified English translation is submitted which shows that the inventors had conceived and reduced to practice the presently claimed invention before January 14, 2002.

Specifically, the disclosure in **JP'713** is substantially identical to the disclosure in the present invention. Differences are (i) the claim dependencies, (ii) the abstract format, and (iii) the order of sections in the specification. **JP'713** was filed in the name of the present inventors Takashi YAMAOKA, Hiroyuki YOSHIMI, Yuuichi NISHIKOUJI and Tomoaki MASUDA as shown in the opening pages of the **JP'713** translation.

Further, in claims 1-7 of **JP'713**, the present inventors described the subject matter of the present invention substantially as claimed in original claims 1-7 of the present application, respectively. Therefore, the specification of **JP'713**, and in particular claims 1-7 of **JP'713**, evidence that the present inventors were in possession of the present invention as claimed in the present application before January 14, 2002.

In addition, in the specification of **JP'713**, the present inventors reported experimental results substantially identically as the experimental results reported in the present specification. Therefore, the experimental results reported in **JP'713** evidence that the present inventors had reduced to practice the invention claimed in the present application before January 14, 2002.

4. Conclusion

The disclosure in **JP'713** evidences that the inventors in the present application were in possession of the invention claimed in the present application before the effective date of **Kitagawa et al.** As a result, **Kitagawa et al.** is not prior art as to the presently claimed invention.

The undersigned declare that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 5th day of August, 2003

TAKASHI YAMAOKA

Takashi YAMAOKA

Signed this 5th day of August, 2003

Hiroyuki YOSHIMI

Hiroyuki YOSHIMI

Signed this 5th day of August, 2003

Yuuichi Nishikouji

Yuuichi NISHIKOUJI

Signed this 5th day of August, 2003

TOMOAKI MASUDA

Tomoaki MASUDA

Attachments: Certified Copy of JP 2000-157713
Verified English Translation of JP 2000-157713